

Remarks

By this amendment, claims 75, 76 and 77 remain in the application, and claims 1 – 74 have been canceled to place the case in a better condition for appeal. In claims 76 and 77, the trade name "welan gum" has been changed to "polysaccharide binder," as suggested by the Examiner. Further, in claims 75 – 77, a repeated typo was corrected (composition's vs. compositon's). Since the amendments only involves canceling claims, correcting a typo, and changing a trade name as suggested by the Examiner, the amendment neither raises any new issues nor requires further search or consideration.

Claims 76 and 77 have been rejected under 35 USC 112 for using a trade name in the claims. In response to this rejection, the applicant has changed the term, "welan gum" to "polysaccharide binder."

Claims 75 - 77 have been rejected under 35 USC 103(a) as being unpatentable over Moore, Jr. et al in view of Kamohara et al or Watts, and with further reference to Anderson. The Examiner generally states that Moore, Jr. et al teaches the applicant's basic formula but without the thickness-promoting material, and Kamohara, Watts and Anderson et al teach the use of starch and gum to achieve a viscosity of 15,000 cps. The Examiner says it would have been obvious to combine the teachings of these references to produce the applicant's invention.

The applicant, however, disagrees with the rejection for the following reasons:

- 1) Moore discloses ten recipe examples, none of which recite the applicant's basic formula (even if you disregard the welan gum). The applicant, for instance, specifically claims zircon flour. Moore's Example-6 is the only one that includes zircon flour; however, Example-6 does not appear to include any fused silica nor alumina, as claimed by the applicant.
- 2) The applicant claims fused silica with a particle size of 90 to 150 mesh. Moore only suggests fused silica with a particle size of 200 mesh.

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- 3) The applicant claims zircon flour providing 15.2 – 35.6% of the formula's weight, which is a lot less than the amount suggested by Moore (see Moore's Example-6).
- 4) The applicant claims fused silica providing 12.9 – 21.3% of the formula's weight, which is significantly less than the amount suggested by Moore (see Moore's Example-7).
- 5) The applicant claims alumina providing 6.4 – 27.8% of the formula's weight, which is significantly less than the amount suggested by Moore (see Moore's Example-9).

The applicant believes his claims have been rejected by the Examiner picking and choosing select ingredients from an assortment of patented mixtures and then combining those chosen ingredients in a manner taught by the applicant. Thus, the suggestion to combine the ingredients in such a manner is offered by the applicant's teaching, not the prior art.

The applicant's invention, as claimed, is a unique combination of known ingredients mixed in novel proportions, wherein at least some of the ingredients have a certain range of particle size.

The applicant submits that claims 75 – 77 are neither anticipated by the cited art nor obvious in view thereof. Thus, the Examiner is respectfully requested to enter the amendments, withdraw the rejection, and allow the claims that remain in the application.

Respectfully submitted,



Robert J. Harter (Reg: 32,031)

Patent Agent for Applicant

608-788-2778